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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**  
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11 EUGENE KISER,

12 Petitioner,

13 vs.

14 GONZALEZ, Warden, et al.,

15 Respondents.

CASE NO. 11cv1944 DMS (NLS)

**ORDER (1) ADOPTING  
MAGISTRATE JUDGE'S REPORT  
AND RECOMMENDATION AND  
(2) DENYING PETITION**

16 On August 24, 2011, Petitioner Eugene Kiser ("Petitioner"), a state prisoner proceeding *pro*  
17 *se*, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 11, 2012,  
18 Magistrate Judge Nita L. Stormes issued a Report and Recommendation ("R&R") recommending that  
19 the Court deny the petition. There are no objections to the R&R.

20 This Court, having reviewed *de novo* the Magistrate Judge's R&R, adopts the Magistrate  
21 Judge's recommendation in full and **DENIES** the petition for a writ of habeas corpus. The Court finds  
22 no basis for a certificate of appealability. The Clerk of Court shall enter judgment accordingly, and  
23 terminate this case.

24 **IT IS SO ORDERED.**

25 DATED: December 20, 2012

26   
27 HON. DANA M. SABRAW  
28 United States District Judge